

EXHIBIT 1

COASTAL CONSERVANCY

Staff Recommendation
December 11, 2003

MARSH CREEK STEWARDSHIP PROGRAM

File No. 03-146
Project Manager: Mary Small

RECOMMENDED ACTION: Authorization to: (1) accept a grant of \$357,146 from the California Bay Delta Authority Ecosystem Restoration Program to implement a public outreach program in the Marsh Creek watershed in Contra Costa County and to conduct planning for restoration of lower Marsh Creek in Oakley; and (2) disburse up to \$110,000 of the California Bay-Delta Authority funds to the Natural Heritage Institute to implement the Marsh Creek public outreach program and to plan the restoration of lower Marsh Creek.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: Marsh Creek Watershed, Contra Costa County
 - Exhibit 2: Marsh Creek and Dutch Slough
 - Exhibit 3: Letters of Support
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104 and 31160-31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes:

1. Acceptance of a grant of three hundred fifty-seven thousand one hundred forty-six dollars (\$357,146) from the California Bay Delta Authority Ecosystem Restoration Program to implement a public outreach program in the Marsh Creek watershed in Contra Costa County and to conduct planning for restoration of lower Marsh Creek in Oakley, California; and
2. Disbursement of an amount not to exceed one hundred ten thousand dollars (\$110,000) to the Natural Heritage Institute for implementation of the public outreach program and restoration planning for lower Marsh Creek, subject to the condition that prior to the disbursement of any funds, the Natural Heritage Institute shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule, budget and any contractors to be employed in implementation of the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160–31164, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area, and with the authority of the Conservancy under Section 31104 to apply for and accept funding from public and private sources.
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
 3. The Natural Heritage Institute is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code”
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PROJECT SUMMARY:

This authorization would enable the Conservancy to accept California Bay Delta Authority (CBDA) funding in the amount of \$357,146 to implement a public outreach program in the Marsh Creek Watershed in Contra Costa County (Exhibit 1) and to plan for the restoration of lower Marsh Creek (Exhibit 2). This authorization would also enable the Conservancy to disburse up to \$110,000 to the Natural Heritage Institute (NHI) to implement the public outreach program and conduct the restoration planning.

In 2001, the Conservancy, in cooperation with the Natural Heritage Institute and others, applied to CBDA for a grant to fund outreach, planning, and restoration projects in the Marsh Creek watershed. On August 31, 2003, the CDBA awarded funding for two elements of the proposal: the public outreach program and restoration planning for lower Marsh Creek. Staff is recommending that the Conservancy authorize a grant to the Natural Heritage Institute to begin implementation of the outreach program and the restoration planning. It is anticipated that staff will bring additional items to the Board when future activities under this grant are ready to be implemented.

The goal of the outreach program is to educate the public about the watershed, to increase local support for environmental protection, and to create opportunities for the public to participate in watershed stewardship activities. The program will include the following elements:

- Water quality monitoring done in coordination with local high schools and a countywide volunteer monitoring program
- Environmental stewardship activities, such as removing trash from the creek and planting native plants along the trail
- A public education program
- Technical support to city planning staff to help implement the riparian corridor plan in Brentwood.

The CBDA grant creates an opportunity to expand public outreach and community involvement in the Marsh Creek watershed. This project will build on work initiated by NHI, the Delta Science Center, the Resource Conservation District, the County, and others. As restoration projects are implemented along the creek and at its mouth, this program will develop a structure to organ-

ize local volunteers and create opportunities for the community to get involved in these projects. This program will complement the Dutch Slough Restoration Project and two riparian restoration projects already underway on Marsh Creek.

The restoration planning for lower Marsh Creek will re-evaluate a conceptual restoration plan to restore floodplain and wetlands on the west side of Marsh Creek directly opposite the 1,166-acre Dutch Slough Restoration Project (Exhibit 2). This conceptual restoration plan was developed before the Dutch Slough project. Now that a large-scale restoration is being planned on the east side of this reach of Marsh Creek, the plan needs to be reconsidered. NHI will participate in the re-evaluation of this conceptual design.

The Natural Heritage Institute is a nonprofit organization that uses its technical expertise to develop innovative solutions to environmental problems. NHI has worked on numerous projects related to habitat restoration and water supply in the Bay Delta system and has extensive experience working in the Marsh Creek watershed. NHI was a co-applicant with the Conservancy for this grant and has played a critical role in identifying other project partners.

Site Description: The Marsh Creek watershed is located in eastern Contra Costa County; it extends from Mount Diablo to the Delta. Much of the upper watershed is protected land, including Cowell Ranch State Park and the East Bay Regional Park District's (EBRPD) Morgan Territory Preserve. A flood control reservoir, owned by Contra Costa County Flood Control District, is located upstream from the city of Brentwood and the lower section of the creek is a levied flood control channel. Marsh Creek enters the Delta between the East Bay Regional Park District's Big Break Regional Shoreline and the Department of Water Resources' Dutch Slough property.

As with most watersheds in the San Francisco Bay Area, Marsh Creek has been modified extensively during the past 200 years. The amount and the timing of water flowing down the creek have been altered and the quality of that water degraded. The shape and position of the creek have also been changed. Today, the creek is confined to a linear flood control channel in its lower section. However, compared to other urban creeks, Marsh Creek still provides habitat for a number of native species, including river otters, western pond turtles, and Chinook salmon. Recent studies by NHI and others have identified several opportunities for restoration along the creek and some of these projects are being implemented through other grant funds. While development is encroaching around the creek, there is still a significant amount of open land along the riparian corridor. A public trail allows for continuous public access along the creek from Big Break through Brentwood.

Project History: In December 1999, the Coastal Conservancy gave a grant to the Natural Heritage Institute to help fund planning of the Delta Science Center and to identify restoration opportunities in the Marsh Creek Watershed. One of the products of that grant was a Riparian Corridor Plan for the city of Brentwood that included specific recommendations for protecting Marsh Creek as the land around it is developed. The City has adopted this plan; however, it continues to seek technical support as it tries to implement the plan's recommendations. A portion of the grant to NHI would help fund continued technical support to help implement that plan.

Under the Conservancy's 1999 grant, NHI identified restoration opportunities along Marsh Creek. The City of Brentwood and NHI have received grants from the Department of Water Resources (DWR) Urban Streams Program and the California Department of Parks and Recreation Riparian Program to fund two of these restoration projects. In addition, DWR and American

Rivers have provided technical support and grant funding to evaluate barrier removal for a fish passage barrier on the creek.

Marsh Creek flows along the western boundary of the 1,166-acre Dutch Slough Restoration Project (Exhibit 2). For more than two years, the Conservancy has worked with the Department of Water Resources, NHI, The Conservation Fund, the City of Oakley, CBDA, and others to implement this restoration project. This outreach program and restoration planning will complement the restoration work at Dutch Slough.

PROJECT FINANCING:

Coastal Conservancy	\$ 0
California Bay Delta Authority Grant	<u>357,146</u>
Total Project Cost	\$357,146

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization is consistent with Public Resources Code Sections 31160-31164, regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Bay Area. Specifically, §31162(b) directs the Conservancy to protect, restore, and enhance watersheds of regional importance. The Marsh Creek watershed is regionally important because it provides habitat to a number of listed species; it links together significant open space areas; and a regional trail follows along the creek for several miles. This project will help to protect, restore, and enhance these important resources.

The proposed authorization is also consistent with §31104, which gives the Conservancy authority to apply for and accept funding from public and private sources.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10, Objective B** of the Conservancy's Strategic Plan, the proposed project would provide technical assistance to the City of Brentwood to implement its Riparian Corridor Plan. The project will also collect information that will help identify future opportunities to enhance the riparian habitat in the creek.

Consistent with **Goal 11 Objective C**, the proposed project would help develop an interpretive program that is linked to real restoration projects and would serve an urban population.

Consistent with the Conservancy's Long Term Financial Strategy, this project would bring outside funding to the Conservancy to implement a priority project and help offset staff costs.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The grant application to CBDA included letters of support from many individuals and organizations, including: Assemblywoman Leach, State Senator Torlakson, County Supervisor Uilkema, Liberty Union High School Superintendent Smith, Brentwood Union High School Superintendent Adams, the Mayor of Brentwood, the Mayor of Oakley, the President of the Delta Informal Gardeners, the General Manager of East Bay Regional Park District, the President of the Ironhouse Sanitary District, the General Manager of the County Mosquito and Vector Control District, and others. These letters are attached as Exhibit 3.
4. **Location:** The proposed project would be located in Contra Costa County, within the jurisdiction of the San Francisco Bay Area Program.
5. **Need:** The Conservancy was the lead applicant for the CBDA grant, so the Conservancy needs to accept the grant in order for the project to go forward. As discussed above, the public outreach program is needed to improve local support and participation in regional restoration efforts.
6. **Greater-than-local interest:** Marsh Creek is a significant regional resource, and the watershed outreach program will work with a number of communities in the area to improve public understanding of this resource and create opportunities for the community to get involved in resource protection.

Additional Criteria

7. **Urgency:** Both Oakley and Brentwood are rapidly developing communities, and as development is approved there are important opportunities to protect the resources of the creek through control of storm water and preservation of the riparian corridor. A portion of this grant will be used to fund staff from the Natural Heritage Institute to continue to work with City staff to be sure these opportunities are not lost. Restoration planning at Dutch Slough will begin this fall. The public outreach program in the watershed needs to be established as soon as possible so that it can be used to help identify volunteers to participate in the planning of Dutch Slough.
8. **Resolution of more than one issue:** This project would educate the public, create opportunities for the community to improve their environmental quality, and help to implement long-term plans for protecting the creek corridor and restoring wetlands in the watershed.
9. **Leverage:** See the "Project Financing" section above.
11. **Innovation:** Public participation in data collection and environmental stewardship creates educational opportunities and helps build support for the environmental protection. This program is innovative because the watershed outreach and stewardship is being planned as a valuable component of other restoration efforts in the watershed.
12. **Readiness:** If approved, this project will begin immediately.

13. **Realization of prior Conservancy goals:** See the “Project History” section above.
14. **Return to Conservancy:** See the “Project Financing” section above.
15. **Cooperation:** This project will be implemented in partnership with local schools, the County, the Cities, and local organizations such as the Delta Science Center and the Delta Informal Gardeners.

COMPLIANCE WITH CEQA:

The proposed elements of the public outreach program are exempt from the California Environmental Quality Act (CEQA) under a variety of specific provisions.

Water quality monitoring is categorically exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Section 15322, as it does not have the potential to result in any physical changes to the environment. Trash clean-up along the flood control channel is categorically exempt from review pursuant to §15301(h) as it consists of minor alterations of existing facilities. Planting native plants along the creek is categorically exempt from review pursuant to §15304(b) as it consists of minor alterations to land. Development of public education materials in the outreach program is categorically exempt from review pursuant to §15322(a).

Staff will file a Notice of Exemption upon Conservancy approval of this project.